

STATE OF MICHIGAN  
STATE OFFICE OF ADMINISTRATIVE HEARINGS AND RULES

ADMINISTRATIVE HEARINGS FOR THE  
DEPARTMENT OF HUMAN SERVICES

IN THE MATTER OF: [REDACTED],  
Claimant

Reg. No: 2009-15316  
Issue No: 3019  
Case No: [REDACTED]  
Load No: [REDACTED]  
Hearing Date:  
April 2, 2009  
Wayne County DHS

ADMINISTRATIVE LAW JUDGE: Tyra L. Wright

HEARING DECISION

This matter is before the undersigned Administrative Law Judge pursuant to MCL 400.9; and MCL 400.37 upon Claimant's request for a hearing. After due notice, a hearing was held on April 2, 2009. Claimant personally appeared and testified. The Department was represented by a family independence manager.

ISSUE

Did the Department act properly in closing Claimant's Food Assistance Program (FAP) case on the grounds that she failed to submit paycheck stubs with her Semi-Annual Contact Report?

FINDINGS OF FACT

The Administrative Law Judge, based upon the competent, material and substantial evidence on the whole record, finds as material fact:

- (1) Claimant is a FAP recipient. She had been receiving \$214 in monthly benefits.
- (2) Claimant works at [REDACTED].

- (3) In December 2008, Claimant received a Semi-Annual Contact Report packet that included an Employment Verification form. Claimant already had an in-person meeting scheduled for January 8, 2008 at the Department office. Consequently, Claimant began calling her caseworker to ask questions about the Semi-Annual Contact Report.
- (4) The Department worker did not return Claimant's calls.
- (5) Claimant provided her employer with the employment verification form. The Department received Claimant's employment verification report submitted by Claimant's employer on January 7, 2009.
- (6) Claimant attended a meeting with her caseworker on January 8, 2009. The caseworker did not request paycheck stubs.
- (7) The Department closed Claimant's FAP case in February 2009.
- (8) The Department received Claimant's hearing request on February 17, 2009.  
(Exhibit 2).

#### CONCLUSIONS OF LAW

The Food Assistance Program (FAP) (formerly known as the Food Stamp (FS) program) is established by the Food Stamp Act of 1977, as amended, and is implemented by the federal regulations contained in Title 7 of the Code of Federal Regulations (CFR). The Department of Human Services (formerly known as the Family Independence Agency) administers the FAP program pursuant to MCL 400.10, et seq., and MAC R 400.3001-3015. Department policies are found in the Program Administrative Manual (PAM), the Program Eligibility Manual (PEM) and the Program Reference Manual (PRM).

## **DEPARTMENT POLICY**

**Verification** means documentation or other evidence to establish the accuracy of the client's verbal or written statements. Obtain verification when:

Required by policy. PEM items specify which factors and under what circumstances verification is required.

Required as a local office option. The requirement **must** be applied the same for every client. Local requirements may **not** be imposed for MA, TMA-Plus or AMP without prior approval from central office.

Information regarding an eligibility factor is unclear, inconsistent, incomplete or contradictory. The questionable information might be from the client or a third party. (PAM 130, pg. 1)

### **Obtaining Verification**

#### **All Programs**

Tell the client what verification is required, how to obtain it, and the due date (See “Timeliness Standards” in this item). (PAM 130, pg. 2).

### **Assisting the Client**

#### **All Programs**

The local office must assist clients who ask for help in completing forms (including the DCH-0373-D) or gathering verifications. Particular sensitivity must be shown to clients who are illiterate, disabled or **not** fluent in English.

The poster, DHS Publication 478, Help Is Available, must be displayed in the local office lobby. A section of the application form has the same title and information. These documents tell clients that DHS must help persons fill out the application when requested. (PAM 105, pg. 10)

Under PAM 130, when verification is sought, the client must be told “what verification is required, how to obtain it and the due date.” In addition, under PAM 105, the Department has a responsibility to assist clients in obtaining verification when help is requested. Consequently, it

is found that Claimant attempted to get help when she called the Department worker to ask questions about the Semi-Annual Report shortly before the deadline. The Department worker did not respond to her phone calls. The Department, however, did receive the completed employment verification during a meeting with Claimant on January 8, 2009. The worker did not ask Claimant to submit paycheck stubs. Moreover, Claimant's employer submitted the employment verification and pay history about three weeks before her case was closed. Under these circumstances, it is found that the Department acted improperly in closing Claimant's case on the grounds that she did not provide paycheck stubs with her Semi-Annual Report.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, decides that the Department improperly closed Claimant's FAP case.

Accordingly, the Department's action is REVERSED. The Department is ORDERED to (a) reopen Claimant's FAP case and allow her to complete a Semi-Annual Report and (b) issue any retroactive FAP benefits that she would have been eligible to receive had her case not been improperly closed.

/s/  
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Tyra L. Wright  
Administrative Law Judge  
for Ismael Ahmed, Director  
Department of Human Services

Date Signed: 04/09/09

Date Mailed: 04/10/09

**NOTICE:** Administrative Hearings may order a rehearing or reconsideration on either its own motion or at the request of a party within 30 days of the mailing date of this Decision and Order. Administrative Hearings will not order a rehearing or reconsideration on the Department's motion where the final decision cannot be implemented within 60 days of the filing of the original request.

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The Claimant may appeal the Decision and Order to Circuit Court within 30 days of the receipt of the Decision and Order or, if a timely request for rehearing was made, within 30 days of the receipt date of the rehearing decision.

TW/dj

cc:

